

1 **SHANNON G. SPLAINE, ESQ.**

Nevada Bar No. 8241

2 **LINCOLN, GUSTAFSON & CERCOS, LLP**

ATTORNEYS AT LAW

3 3960 Howard Hughes Parkway

Suite 200

4 Las Vegas, Nevada 89169

Telephone: (702) 257-1997

5 Facsimile: (702) 257-2203

ssplaine@lgclawoffice.com

6 Attorneys for Defendants,

7 National Collegiate Student Loan Trust 2004-2,

8 National Collegiate Student Loan Trust 2005-2,

9 National Collegiate Student Loan Trust 2005-3,

and National Collegiate Student Loan Trust 2006-3

10 UNITED STATES BANKRUPTCY COURT

11 DISTRICT OF NEVADA

12 In re:

13 JAVIER MEDINA,

14 Debtor,

15 JAVIER MEDINA,

16 Plaintiff,

17 v.

18 NATIONAL COLLEGIATE STUDENT LOAN
19 TRUST 2004-2; NATIONAL COLLEGIATE
20 STUDENT LOAN TRUST 2005-2; NATIONAL
21 COLLEGIATE STUDENT LOAN TRUST
22 2005-3; and NATIONAL COLLEGIATE
23 STUDENT LOAN TRUST 2006-3, Delaware
24 Statutory Trust(s).

Defendants.

CASE NO.: BK-S-10-33712-MKN

CHAPTER 7

ADVERSARY

PROCEEDING NO.: 15-01175-mkn

**DEFENDANTS' NATIONAL
COLLEGIATE STUDENT LOAN
TRUST 2004-2, NATIONAL
COLLEGIATE STUDENT LOAN
TRUST 2005-2, NATIONAL
COLLEGIATE STUDENT LOAN
TRUST 2005-3 AND NATIONAL
COLLEGIATE STUDENT LOAN
TRUST 2006-3'S STATEMENT OF
UNDISPUTED FACTS IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT**

25 **NOW COMES DEFENDANTS**, National Collegiate Student Loan Trust 2004-2, National
26 Collegiate Student Loan Trust 2005-2, National Collegiate Student Loan Trust 2005-3, AND National
27 Collegiate Student Loan Trust 2006-3 (hereinafter, collectively, "defendants"), pursuant to Local Rule
28 7056(a), who respectfully submit this Statement of Undisputed Facts.

No.	Undisputed Fact	Citation to Evidence
1.	Plaintiff borrowed \$176,926.17 in the form of student loans now owned by defendants.	Declaration of James H. Cummins ("Cummins Decl.") ¶ 4; Declaration of Shannon Splaine ("Splaine Decl.") Ex. A at pp. 33
2.	Plaintiff's student loans owed to defendants are governed by 11 U.S.C. § 523(a)(8).	Cummins Decl. ¶ 11.
3.	Plaintiff has not made any payments on the loans owed to defendants since on or before August 27, 2010, and he currently owes \$263,520.59, including principal and interest.	Cummins Decl. ¶ 4.
4.	Plaintiff's income from 2010 to 2015 was as follows: <ul style="list-style-type: none"> • 2010: \$35,338; • 2011: \$44,771; • 2012: \$53,917; • 2013: \$38,801; • 2014: \$52,918; and • 2015: \$46,453. 	Splaine Decl. Ex. A at pp.7-18.
5.	Plaintiff subscribes to Netflix, DirectTV, iTunes, T-Mobile, and Cox internet for a combined monthly expense of approximately \$245.00.	Splaine Decl. Ex. A at pp. 19-32.
6.	Plaintiff is a member of both Sam's Club and Costco.	Splaine Decl. Ex. A at pp. 19-32.
7.	Plaintiff enrolls his children in a parochial school at an average cost of \$655.00 per month.	Splaine Decl. Ex. A at pp. 19-32.

Respectfully submitted this 9th day of June, 2016.

LINCOLN, GUSTAFSON & CERCOS, LLP

/s/ Shannon G. Splaine

SHANNON G. SPLAINE, ESQ.

Nevada Bar No. 8241

3960 Howard Hughes Parkway, Suite 200

Las Vegas, Nevada 89169

Attorneys for Defendants,

National Collegiate Student Loan Trust 2004-2,

National Collegiate Student Loan Trust 2005-2,

National Collegiate Student Loan Trust 2005-3,

and National Collegiate Student Loan Trust 2006-3